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9 AMERICA SERVICE GROUP, INC. (ERRONEOUSLY
10 SUED AS PRISON HEALTH SERVICES SHORT AND
11 LONG TERM DISABILITY PLAN)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 KITTY NIX,

CASE NO. C 05-3242 (PJH)

12 Plaintiff,

**NOTICE OF DISMISSAL OF THIRD
PARTY COMPLAINT WITHOUT
PREJUDICE**

13 v.
14 PRISON HEALTH SERVICES SHORT AND
15 LONG TERM DISABILITY PLAN,

Judge: The Honorable Phyllis J. Hamilton

16 Defendant.

17 AMERICA SERVICE GROUP, INC.
18 (ERRONEOUSLY SUED AS PRISON
19 HEALTH SERVICES SHORT AND LONG
20 TERM DISABILITY PLAN),

21 Third-Party Plaintiff,

22 v.

23 UNUM LIFE INSURANCE COMPANY OF
24 AMERICA,

25 Third-Party Defendant.

26 PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure
27 41(a)(1)(i), Third Party Plaintiff voluntarily dismisses the Third Party Complaint without
prejudice.

1 | DATED: 12/7/05

ALLEN J. GROSS
AMBER M. SPATARO
MITCHELL SILBERBERG & KNUPP LLP

By:

Allen J. Gross

Attorneys for Defendant

AMERICA SERVICE GROUP, INC.

**AMERICAN SERVICE GROUP, INC.
(ERRONEOUSLY SUED AS PRISON
HEALTH SERVICES SHORT AND LONG
TERM DISABILITY PLAN)**



Mitchell
Silberberg &
Knupp LLP

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18, and not a party to the within action; my business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On December 7, 2005, I served the foregoing document(s) described as **NOTICE OF DISMISSAL OF THIRD PARTY COMPLAINT WITHOUT PREJUDICE** on the parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows, and taking the action described below:

8 Timothy J. Fricker, Esq.
Fricker & Mellen & Associates
9 Tribune Tower
409 13th Street, 17th Floor
10 Oakland, CA 94612

Sean P. Nalty, Esq.
Kelly Herlihy & Klein LLP
44 Montgomery Street, Suite 2500
San Francisco, CA 94104-4712

11 Melba Jordan
UNUM Provident
12 655 North Central Avenue, Suite 1200
Glendale, CA 91203
13 *(Courtesy Copy)*

- BY E-MAIL:** I sent a copy of the above-described document(s) via e-mail to each of the individuals set forth on the attached service list, at the following email address:
- BY FAX:** Along with placing a copy of the document in a sealed envelope I sent a copy of the above-described document(s) via telecopier to each of the individuals set forth above, at the following facsimile telephone numbers:
- BY PERSONAL DELIVERY:** I caused personal delivery by a **CERTIFIED ATTORNEY SERVICE** of the document(s) listed above to the person(s) at the address(es) set forth above.
- BY PLACING FOR COLLECTION AND MAILING:** I sealed and placed the envelope(s) for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at 11377 West Olympic Boulevard, Los Angeles, California 90064-1683 in the ordinary course of business.

Executed on December 7, 2005, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. . .

Crystal Lewis